

2. Plaintiff Robert Lee Wallingford is a citizen of the State of Texas.
3. Defendant Werner Enterprises is organized in the State of Nebraska, with its corporate office and principal place of business in the Omaha, Nebraska.
4. Defendant Matthew Keith Casey is a citizen of the State of Oklahoma.
5. Plaintiff's Original Petition, filed contemporaneously herewith, states that the amount of damages sought is more than \$1,000,000.

II. BASIS FOR REMOVAL

6. Removal is proper under 28 U.S.C. § 1332(a) because Plaintiff's suit is a civil action in which this Court has original jurisdiction over the parties, based upon diversity jurisdiction under 28 U.S.C. § 1332. This action is removable to this Court pursuant to the provisions of 28 U.S.C. § 1441(b) because Plaintiff is a citizen of the State of Texas, Defendant Werner Enterprises is a Nebraska corporation, with its principal place of business in the State of Nebraska, and Matthew Keith Casey is a citizen of the State of Oklahoma. Additionally, the amount in controversy exceeds \$75,000.

A. Complete Diversity Exists.

7. As this Court is aware, for diversity purposes, a person is considered a citizen of the state where that person is domiciled. Plaintiff is a person and domiciled in the State of Texas. Defendant Werner Enterprises, Inc. is not domiciled in the State of Texas, but rather was formed in Nebraska, with its principle place of business in Omaha. Defendant Matthew Keith Casey is a citizen of the State of Oklahoma.
8. The only managers listed for Defendant Werner Enterprises, Inc. are located in the State of Nebraska.

9. Because the Plaintiff, Defendant Werner Enterprises, and Defendant Matthew Keith Casey, do not share in citizenship in any state, removal is proper on diversity grounds.
10. All Defendants are now, and were at the time of the removed action was commenced, diverse in citizenship from the Plaintiff. 28 U.S.C. § 1332.

B. The Amount in Controversy Exceeds \$75,000.

11. As previously stated, Plaintiff filed his Original Petition on June 1, 2017. Plaintiff identified the amount in controversy to be over \$1,000,000.
12. Accordingly, Plaintiff seeks damages beyond the threshold amount of \$75,000, establishing an amount in controversy over \$1,000,000.
13. Accordingly, because this notice of removal has been filed within the time available after Plaintiff provided his Original Petition, providing his claim for relief, this removal is proper and timely under 28 U.S.C. § 1446(b)(3).
14. The United States District Court for the Western District of Texas, Waco Division, embraces Bell County, Texas, the place where the state court action was filed and is pending.
15. The live pleadings before the state court are Plaintiff's Original Petition, Defendant's Original Answer. No other motions are pending before the state court.
16. All pleadings, process, orders served upon Defendants in the state court action are attached to this Notice as Exhibit "A," as required by 28 U.S.C. § 1446(a).
17. Defendants Werner Enterprises and Matthew Keith Casey hereby demand a trial by jury in accordance with the provisions of FED. R. CIV. P. 38.

WHEREFORE, PREMISES CONSIDERED, Defendants Werner Enterprises and Matthew Keith Casey, as parties diverse with the Plaintiff, respectfully requests that this action

DEFENDANTS MATTHEW KEITH CASEY and WERNER ENTERPRISES, INC. d/b/a NEBRASKA WERNER ENTERPRISES, INC. d/b/a WERNER ENT.'S NOTICE OF REMOVAL

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be immediately and entirely removed upon filing of this Notice of Removal to the United States District Court for the Western District of Texas, Waco Division, and for such other and further relief to which he may show himself to be justly entitled in equity or law.

Respectfully submitted,

FEE, SMITH, SHARP & VITULLO, L.L.P

/s/ Daniel M. Karp

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MATTHEW KEITH CASEY and WERNER

ENTERPRISES, INC. d/b/a NEBRASKA

WERNER ENTERPRISES, INC. d/b/a

WERNER ENT.

CERTIFICATE OF SERVICE

In accordance with the Federal Rules of Civil Procedure, I hereby certify that on this the 6th day of July, 2017, a true and correct copy the foregoing instrument was served on the following counsel of record authorized by Federal Rule of Civil Procedure 5(b)(2):

Via Certified Mail/RRR

Veronica Valenzuela

P. O. Box 1153

Bryan, TX 77806

/s/ Daniel M. Karp

DANIEL M. KARP

DEFENDANTS MATTHEW KEITH CASEY and WERNER ENTERPRISES, INC. d/b/a NEBRASKA WERNER ENTERPRISES, INC. d/b/a WERNER ENT.'S NOTICE OF REMOVAL
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